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21
22 **IN THE UNITED STATES DISTRICT COURT**
23 **DISTRICT OF NEVADA**
24 **SOUTHERN DIVISION**
25

26 **AMALGAMATED TRANSIT UNION,**
27 **LOCAL 1637,**

28 **Plaintiff,**

v.

VEOLIA TRANSPORTATION
SERVICES, INC.

Defendant

) **Case No. 2:11-CV-01986-JCM (CWH)**

)

) **DECLARATION OF EILEEN M.**
) **BISSEN**

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29 NEYHART,
30 ANDERSON,
31 FLYNN &
32 GROSBOLL
33 ATTORNEYS AT LAW

DECLARATION OF EILEEN M. BISSEN

1 I, EILEEN M. BISSEN, hereby declare:

2 1. I am an attorney with the law firm of Neyhart, Anderson, Flynn & Grosboll, APC,
3 in San Francisco, California. I have been admitted *pro hac vice* for and represent the Plaintiff in
4 the above-referenced case. I make the following declaration based on my personal knowledge
5 and can and would testify competently thereto.
6

7 2. I appeared on behalf of Plaintiff at the discovery hearing held before the Honorable
8 Magistrate Judge Carl W. Hoffman in the above-referenced court on May 15, 2012. Attorney
9 Peter Goatz appeared on behalf of Defendant at that hearing.

10 3. At the hearing on May 15, 2012, the Honorable Magistrate Judge Carl W.
11 Hoffman, Mr. Goatz, and I discussed at considerable length the need for discovery in this case,
12 given that this case is simply one seeking to vacate an arbitration award. When asked what
13 discovery was necessary according to Defendant, Mr. Goatz responded that discovery was needed
14 regarding the issue of mitigation of damages, or lack thereof, in light of Plaintiff's alleged
15 requested remedy of reinstatement. I responded that Plaintiff would stipulate that the court does
16 not have the power or jurisdiction to reinstate the grievant, thereby alleviating the need for
17 discovery.
18

19 4. At the hearing on May 15, 2012, the Honorable Magistrate Judge Carl W. Hoffman
20 indicated that the Plaintiff carries the burden of proof and, as such, should file its dispositive
21 motion, which Defendant could then oppose.
22

23 5. Immediately following the hearing held on May 15, 2012, Mr. Goatz told me I
24 should coordinate with Gina Moshiri, another attorney for Defendant who was not present at the
25 hearing, regarding the Stipulation and Proposed Order the parties were instructed to file.

26 6. On May 23, 2012, I emailed Ms. Moshiri and Mr. Goatz a draft Stipulation and
27

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DECLARATION OF EILEEN M. BISSEN

1 Proposed Order.

2 7. Having received no response from Ms. Moshiri or Mr. Goatz to my email, on May
3 24, 2012, I sent another email to Ms. Moshiri and Mr. Goatz regarding the draft Stipulation and
4 Proposed Order.

5 8. On May 24, 2012, I received an email from Ms. Moshiri, on behalf of Defendant,
6 wherein she stated, "We maintain that discovery may be necessary in this case." Ms. Moshiri's
7 revised version of the Stipulation and Proposed Order deleted Plaintiff's language that discovery is
8 unnecessary at this time and should be stayed until after the court's decision regarding whether or
9 not the underlying arbitration award should be vacated.
10

11 9. Defendant's revised version of the Stipulation and Proposed Order also deleted
12 Plaintiff's language setting the briefing schedule. Defendant's version, which allows the parties to
13 file simultaneous dispositive briefs, contradicts the briefing schedule described by the Honorable
14 Magistrate Judge Carl W. Hoffman on May 15, 2012.
15

16
17 I declare under penalty of perjury that the foregoing is true and correct. Executed this 25th
18 day of May, 2012.
19

20
21 /s/Eileen M. Bissen
EILEEN M. BISSEN
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23
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26 NEYHART,
ANDERSON,
FLYNN &
27 GROSBOLL
ATTORNEYS AT LAW

28 DECLARATION OF EILEEN M. BISSEN

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th of May, 2012, I caused a true and correct copy of the following document to be served upon the counsel listed herein via the court general Notice of Electronic Filing and the ECF system:

DECLARATION OF EILEEN M. BISSEN

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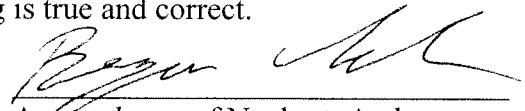
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I declare under penalty of perjury that the foregoing is true and correct.


An employee of Neyhart, Anderson,
Flynn and Grosboll

NEYHART,
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FLYNN &
GROSBOLL
ATTORNEYS AT LAW

DECLARATION OF EILEEN M. BISSEN